

BEFORE THE BOARD OF VETERINARY MEDICINE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of     ) NOTICE OF AMENDMENT  
ARM 8.64.402, fee schedule             ) AND ADOPTION  
and the adoption of NEW RULES I-X,     )  
relating to animal euthanasia         )  
technicians and agencies               )

TO: All Concerned Persons

1. On March 25, 2004, the board of Veterinary Medicine published MAR Notice No. 8-64-30 regarding the public hearing on the proposed amendment and adoption of the above-stated rules relating to fee schedule and animal euthanasia technicians and agencies at pages 619 of the 2004 Montana Administrative Register, issue no. 6.

2. On April 15, 2004, a public hearing on the proposed amendment and adoption of the above-stated rules was conducted in Helena.

3. One written comment was received concerning the proposed amendment of ARM 8.64.402. A summary of the comment and the Board's response are as follows:

Comment 1: One comment was received that noted that the fee increase for annual veterinary license renewal was approximately an 85% increase. The commenter hoped that such large percentage fee increases would not become the norm.

Response 1: The Board appreciates the comment and agrees that the fee increase appears to be substantial, but notes that this is the first fee increase since 1999. The Board hopes that this increase will obviate the need for further increases in the near future. The Board also notes that this fee is substantially less than the fee charged by other states for annual veterinary license renewal. The Board has experienced increased costs associated with certain licensing categories and overall day-to-day operations that make it necessary to increase fees commensurate with costs.

4. Three written comments were received regarding proposed NEW RULES I-X, relating to animal euthanasia technicians and agencies. A summary of the comments and the Board's responses are as follows:

Comment 1: One comment was received that questioned whether state licensed veterinarians and veterinary hospitals and clinics were exempt from the new euthanasia rules.

Response 1: The Board thanks the commenter for his concern and

notes that Section 37-18-605(1), MCA, allows licensed veterinarians and support personnel to administer controlled substances for euthanasia purposes while working in their own facilities.

Comment 2: One comment was received expressing support for the new euthanasia rules.

Response 2: The Board appreciates the commenter's support.

Comment 3: One comment was received that expressed concern about environmental safety and proper/safe carcass disposal.

Response 3: The Board thanks the commenter for this thoughtful and important comment and notes that it contemplated carcass disposal in New Rule III(1)(b)(iii), pharmacology of approved euthanasia drugs. Instruction in the pharmacology of euthanasia drugs, particularly sodium pentobarbital, would include information about post-mortem tissue toxicity. New Rule IV(1)(d), pharmacology of sodium pentobarbital, would also include testing relevant to tissue toxicity and proper disposal of carcasses.

5. After considering all of the comments, the Board of Veterinary Medicine amended ARM 8.64.402 and adopted NEW RULES I-X (8.64.901 through 8.64.910) exactly as proposed.

BOARD OF VETERINARY MEDICINE  
LINDA KAUFFMAN, DVM  
PRESIDENT

/s/ WENDY J. KEATING  
Wendy J. Keating, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

Certified to the Secretary of State May 24, 2004.